

Calvin D. Johnson Nursing Home and Mary Deen, Theresa Mueller, and Shirley Johnson. Cases 14-CA-15005-1, 14-CA-15005-2, and 14-CA-15005-4

March 23, 1982

DECISION AND ORDER

BY CHAIRMAN VAN DE WATER AND
MEMBERS FANNING AND HUNTER

On December 17, 1981, Administrative Law Judge Richard H. Beddow, Jr., issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record and the attached Decision in light of the exceptions and brief and has decided to affirm the rulings, findings,¹ and conclusions² of the Administrative Law Judge, to modify his remedy,³ and to adopt his recommended Order, as modified herein.⁴

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge, as modified below, and hereby orders that the Respondent, Calvin D. Johnson Nursing Home, Belleville, Illinois, its officers, agents, successors, and assigns, shall take the action set forth in the said recommended Order, as so modified:

1. Insert the following as new paragraph 2(b) and reletter the subsequent paragraphs accordingly:

"(b) Expunge from Mary Deen's, Theresa Mueller's, and Shirley Johnson's personnel records, or other files, any reference to their discharges on May 22, 1981."

¹ Respondent has excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an administrative law judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. *Standard Dry Wall Products, Inc.*, 91 NLRB 544 (1950), *enfd.* 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing his findings.

² In adopting the Administrative Law Judge's Decision, we note that we have consistently held that employee complaints about their supervisors' treatment of them constitute protected concerted activity. *Avalon-Carver Community Center*, 255 NLRB 1064 (1981); *Dreis & Krump Manufacturing, Inc.*, 221 NLRB 309 (1975), *enfd.* 544 F.2d 320 (7th Cir. 1976).

³ The Administrative Law Judge inadvertently failed to cite *Isis Plumbing & Heating Co.*, 138 NLRB 716 (1962), as his rationale for interest.

⁴ We find it will effectuate the purposes of the Act to require Respondent to expunge from the discriminatees' personnel records, or other files, any reference to their unlawful discharges. We shall modify the Administrative Law Judge's recommended Order and notice accordingly.

2. Substitute the attached notice for that of the Administrative Law Judge.

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

After a hearing at which all sides had an opportunity to present evidence and state their positions, the National Labor Relations Board found that we have violated the National Labor Relations Act, as amended, and has ordered us to post this notice.

WE WILL NOT threaten our employees with loss of employment, or discharge employees, or otherwise discriminate against them, because of their complaints regarding conditions of employment.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of the rights guaranteed them by Section 7 of the National Labor Relations Act.

WE WILL offer immediate and full reinstatement to Mary Deen, Theresa Mueller, and Shirley Johnson to their former jobs or, if those jobs no longer exist, to substantially equivalent positions without prejudice to their seniority or any other rights or privileges previously enjoyed, and WE WILL make them whole, with interest, for any losses they may have suffered as a result of the discrimination against them.

WE WILL expunge from the personnel records, or other files, of the above employees any reference to their discharges on May 22, 1981.

CALVIN D. JOHNSON NURSING HOME

DECISION

STATEMENT OF THE CASE

RICHARD H. BEDDOW, JR., Administrative Law Judge: This matter was heard in St. Louis, Missouri, on August 27 and 28, 1981. The proceeding is based upon charges filed May 27 and 28 by individuals Mary Deen, Theresa Mueller, and Shirley Johnson. The General Counsel's complaint alleges that Respondent Calvin D. Johnson Nursing Home, Belleville, Illinois, violated Section 8(a)(1) of the National Labor Relations Act, as amended, by informing employees that other employees had been discharged for making complaints about a supervisor to Respondent's administrator and by discharging the Charging Parties because they engaged in protected concerted activities.

Briefs were filed by the General Counsel and Respondent. Upon a review of the entire record in this case and from my observation of the witnesses and their demeanor, I make the following findings:

I. JURISDICTION

Respondent is a health care institution providing medical and nursing care services. During the representative year ending April 30, 1981, it derived gross revenue in excess of \$100,000 and purchased and received goods and materials valued in excess of \$10,000 from points outside Illinois. It admits that at all times material herein it is and has been an employer engaged in operations affecting commerce within the meaning of Section 2(2), (6), and (7) of the Act.

II. THE ALLEGED UNFAIR LABOR PRACTICE

A. Background

Respondent operates a nursing home providing long-term health and nursing care to residents of its Belleville, Illinois, facility. Elder Care, Inc., an Illinois corporation, manages and operates Respondent through its president and chief executive officer, Steven Wolf, an experienced health care administrator. He maintains regular contact with Administrator Annette Bierschenk who has been delegated responsibility for day-to-day operation. Respondent's employees are not represented by any labor organization.

Registered Nurse Hilton Beauchamp is employed by Respondent as a night supervisor and charge nurse in the skilled care section, halls 300 and 400. In addition to his nursing duties he was in charge of building security and he engaged in training and "counseling" of nurses aides with respect to their work habits.

Mary Deen, Theresa Mueller, and Shirley Johnson (the Charging Parties) were employed by Respondent as nurses aides on Respondent's night shift. The Charging Parties, as well as former employee Lana Stevens, regularly reported for duty on the 11 p.m. to 7 a.m. shift at Respondent's facility at 10:30 p.m. and punched a time-card upon arrival. Stevens and Mueller were assigned to hall 300, Deen and Johnson to hall 400. Each hall held between 40 and 45 patients. Supervisor Beauchamp has overall responsibility for the care of patient residents and for supervision of the nurses aides on the night shift. Each day the aides received a verbal briefing from Beauchamp, prepared linen carts, and began their first rounds at about 11:30 p.m., which rounds would last more than an hour. Two aides worked together and during the first round would check patients for incontinence, change bed linen when necessary, empty urinals, and turn patients as needed. The aides would also take patient temperature, pulse, respiration and blood pressure, and escort patients who were unable to walk to the restroom when necessary. Beauchamp also expected aides to check floors for paper and to pick it up; check windows, air-conditioning or heating; and check bed rails and lights in patient rooms and bathrooms. For the most part, however, patients generally were asleep during this period of time. After the first round, the aides generally took a half-hour lunchbreak, two at a time. Second round duties similar to

those of the first round started about 2:30 a.m. The third round started at 5 a.m., during which time the aides would get patients up and bathe and groom them. While the aides were making their first rounds, Beauchamp would spend 20 minutes checking doors throughout the facility to assure they were secure. He made hall rounds himself, giving particular attention to the more critical patients, such as patients requiring oxygen, and he had occasion to come into frequent contact with the aides throughout the shift.

Employees Stevens and Mueller were hired during the latter part of March 1981, Deen was hired on December 15, 1980, and Johnson November 23, 1980. All four received 5-day orientation course and Deen and Johnson had served an established 3-month probationary period. At the end of orientation all employees signed for a personal policy guide on a sheet that also contained references to other forms and requirements for new employees. The guide contains a section on grievances; however, no instruction time during orientation was spent on such matters. The guide also has a three-page listing of violations which includes the items "leaving the job without permission" and "leaving early . . ." The action to be taken for a second offense "possible discharge (immediate suspension)."

Sometime during April 1981, Beauchamp told Mueller that he, Beauchamp, had a bad reputation around the nursing home at one time "because two aides felt they were being treated unfairly compared to another aide there and so they went to the administration and they complained to the administration about Beauchamp's behavior to them . . . those two aides that went to the administration to complain about him had been fired not soon after . . ." As a result of this statement by Beauchamp, Mueller testified that she was afraid that she would be discharged if she brought any complaints concerning Beauchamp to Respondent's management.

Prior to April 1981 relations between Beauchamp and the nurses aides had been harmonious. Beauchamp married in April but did not return to work when he was expected to. After his return, Beauchamp acted in a moody and disruptive manner. He constantly hollered and picked on the nurses aides and they all felt that it was becoming unbearable to work for him. Johnson had attended Beauchamp's wedding reception and apparently had gossiped about her observations of Beauchamp's conduct as well as reasons why he had not returned to work when expected. She felt some responsibility for precipitating Beauchamp's attitude and indicated to the other aides that she would resign; however, Deen persuaded her not to do so.

On May 11, 1981, seven employees, including Stevens and the three Charging Parties, discussed plans for a meeting to formulate a plan to meet with management regarding working conditions. The meeting, set for May 12, was delayed when Deen was called home because of a serious home fire. Because of concern over Beauchamp's treatment, as well as concerns related to her house burning down, Deen made a request to a Barbara (who made out schedules) to be transferred from the night shift. The request was approved and she was

scheduled to change shifts on May 24 or 31, 1981. Shirley Johnson also requested a schedule change but it had not been granted as of May 20.

B. Events of Wednesday, May 20, 1981

Stevens and the Charging Parties reported for work at 10:30 p.m. on Tuesday, May 19, 1981. During the early part of their shift Beauchamp followed directly behind Deen and Johnson on their rounds. This was not his usual practice. Halfway down the hall he criticized them regarding patient restraints. Johnson explained she was trying to do her best so he would not be hollering at her and she started to cry. Johnson recalled that Beauchamp left the room without saying anything; however, Beauchamp stated that he told Johnson to "just keep your mind on your work."

Shortly after their lunch breaks, Stevens and Mueller started back towards the nurses station. They had a brief conversation with Deen and Johnson, and agreed that they all would meet with Hagler, Respondent's director of nursing, following the shift. Deen and Johnson started to return to hall 400 when Beauchamp called for Stevens. Stevens went to Beauchamp in response to the call, with Mueller following along. Beauchamp then questioned Stevens regarding the emptying of urinals in patient rooms on hall 300. Stevens replied she had emptied them. Beauchamp informed Stevens that "he had just been down on the hall and they were full." Stevens and Mueller went down hall 300 again checking urinals, and found one urinal about an inch full, emptied it, and returned to the nurses station. Stevens testified that Beauchamp then said that "he had been in this business for 30 years and . . . by God, when he tells her to do something, do it . . . don't ask questions, do it." In an increasingly louder voice, Beauchamp made remarks that the aides were "not doing things right . . . weren't changing the beds right . . . weren't emptying the urinals . . ." Stevens responded by asking Beauchamp "why couldn't he treat us like human beings. We were human." Beauchamp asked Stevens, "Who do you think you are? God?" Stevens retorted, "Who in the hell do you think you are, God?" Beauchamp, at this point, was hollering and hysterical. He then stated, "Well, I'm the supervisor. . . . If you don't like the way I'm running this hall you can leave." By this time Johnson and Deen had returned to the area of the nurses station. Stevens stated, "I will not leave until told that I have, to leave," and Beauchamp said, "I will tell you. You can leave now, but be back here in the morning."

Beauchamp's testimony regarding the incident with nurses aide Stevens on May 20, 1980, was substantially the same as that given by Stevens; however, he characterized his attention to her as "counseling" and he described her attitude toward him "becoming sarcastic and insubordinate." He testified that, after telling Stevens to leave, he gathered his books to go to his lunch break. At this point, Beauchamp's recollections begin to differ somewhat from those of the other witnesses.

Beauchamp testified that as he was on his way to the dining room he was intercepted by aides Eiskant and Barendright and that an exchange took place. Eiskant, who is Mueller's mother, walked over to Beauchamp and

quietly told him that he was ill and needed to see someone professionally. Beauchamp replied that he did not want to talk to anybody. Beauchamp believed that Eiskant and Barendright had been "signaled" over to the nurses station by the aides on his halls. After the remarks, he told them to do what they liked and he proceeded to the dining room and began to work on his books. He stated that he did not know the Charging Parties had left work until he was so informed by the other registered nurse on duty that night. His next recollection was that he checked the corridors to determine if the aides were gone and he then checked his patients. He made no attempt to call anyone for assistance or to report the loss of his staff. Beauchamp further testified that he was aware that Deen, Mueller, and Johnson were around the corner from the nurses station at the time he spoke to Stevens but he could not remember if he saw the Charging Parties at that time. He denied that he had any conversation with them. Stevens and the Charging Parties, however, testified that a conversation did take place when Stevens got ready to leave. Mueller testified that she said, "Beau, we agree with Lana. The way your behavior has been the last few weeks it's been almost unbearable to work and we'd kind of like to talk about it." At this point employees Eiskant and Barendright, the nurses aides on halls 100 and 200, arrived at the scene. Eiskant testified that she was drawn there by Beauchamp's "screaming and yelling." Beauchamp responded to Mueller, stating, "Hey, if anybody doesn't like the working conditions you can all get out," and he pointed towards the elevator. Deen, Mueller, and Johnson hesitated for a moment, "kind of scared, not knowing what to do," then got their coats and proceeded toward the elevator. Here, I credit the latter testimony to the effect that Deen, Mueller, and Johnson engaged in a conversation with Supervisor Beauchamp *after* he had told aide Stevens to leave and that during that conversation he told them that they could all get out.¹ After arriving at the elevator, the Charging Parties hesitated momentarily and observed that Beauchamp gathered some record-keeping books and walked into the staff dining room. Stevens and the Charging Parties left and went to a nearby restaurant. They had breakfast and returned to Respondent's facility at 7 a.m. Upon their return they encountered Eiskant and some other employees who informed them that they were aware of the incident at the nurses station and had spoken to the director of nursing about the incident and about Beauchamp's behavior over the past several weeks.

¹ I find it unlikely that Deen, Mueller, and Johnson would have silently walked out in support of Stevens. Also, I find it unlikely that witness Eiskant would have engaged in her conversation with Beauchamp (which he admittedly engaged in), unless she had not first heard the exchange between Beauchamp and the Charging Parties, and then had come to the aid of her daughter and the other nurses aides. I also credit the General Counsel's witnesses as to their impressions of Beauchamp's behavior and his apparently disturbed state of mind, and I conclude that such facts tend to discredit the reliability of Beauchamp's memory regarding any conversation with the Charging Parties. Accordingly, I cannot credit Beauchamp's testimony that he did not talk with Deen, Mueller, and Johnson, after he told Stevens to leave, especially since he otherwise admitted that he was aware that they were nearby.

The four aides then had a 30- to 45-minute meeting with Director of Nursing Hagler. Stevens, Deen, and Mueller (Johnson was present but did not participate in the discussions) told of the incident at the nurses station. At the end of the meeting, Hagler assured Stevens and the Charging Parties that she would make arrangements for them to meet with Administrator Bierschenk and nurse Beauchamp. She also said that the Charging Parties and Stevens would not be discharged as a result of the incident at the nurses station but that they should not report back to work until the meeting was held.

C. The Discharge and Subsequent Events

On Friday, May 22, Stevens and the Charging Parties returned for an appointment with Administrator Bierschenk. Hagler appeared and asked Stevens to come into the administrator's office, alone. Hagler advised Stevens that it was not Beauchamp's intention to discharge her and she requested that Stevens work with Beauchamp until her previously requested schedule change was effected. Stevens then left the office and waited outside while Deen, Mueller, and Johnson met with Hagler and Bierschenk.

Hagler asked the Charging Parties if they wished to make any additional statements concerning the incident of May 20. No further statements were made. However, some additional complaints concerning Beauchamp's prior conduct were made latter during the discussion. Hagler then told them they would have to be terminated because they "left the floor." Mueller stated they had not just walked off the floor, but were told to leave. Hagler stated she bet they would not have left if they had parents or relatives in the hospital and Deen replied that she would if parents or relatives in the hospital and Deen replied that she would if told to leave and that Beauchamp was her boss and he had ordered them out of the building. In response, Hagler stated that she heard from another registered nurse that Beauchamp did not tell the Charging Parties to leave. Mueller replied that it was a lie because the only other registered nurse was on the other side of the building away from the conversation. Shortly thereafter, the meeting ended and the Charging Parties left the administrator's office. Bierschenk denied that the Charging Parties there said that they were "told, asked, or given permission to leave." She agreed, however, that she previously had met with Hagler on Wednesday and was informed of the incident, that Hagler indicated she planned to terminate the Charging Parties, that Hagler sought Bierschenk's opinion, and that Bierschenk concurred with Hagler's decision. Otherwise, Bierschenk did not testify regarding any aspects of the Friday meeting that would contradict the testimony of the Charging Parties and their supporting witnesses. I do not credit Administrator Bierschenk's denial that the Charging Parties told Respondent that Beauchamp had instructed them to leave, especially in light of her subsequent conversation with aide Stevens.

Stevens was waiting outside the office, and upon learning that the Charging Parties were discharged, she went back into the office and stated to Hagler and Bierschenk, "I understand that Shirley Johnson, Theresa Mueller and Mary Deen were fired because Beau said that he did not

tell them to leave." Bierschenk then told Stevens that "there was a difference in the way Beauchamp told [the Charging Parties] to leave." Stevens stated she did not see any difference and told them she was quitting. Eiskant resigned the following week in order to avoid having to work under Beauchamp's supervision. Within the next few weeks, Hagler and several other nurses and aides that had been employed on the night shift also resigned.

D. Respondent's Justification

Administrator Bierschenk testified that health care facilities are subject to state requirements relating to staffing levels and are subject to fines or decertification for noncompliance. She also testified that no adverse incidents related to patient care were reported to her regarding the time period when the Charging Parties were absent from their shift during the early morning hours of May 21, 1981. She was aware of no problems regarding the Charging Parties, although personnel problems of employees have been brought to her attention in the past. After the time she initially was informed of the incident by Director of Nursing Hagler, Bierschenk personally made no further investigation of the matter.

Respondent's president expressed the opinion that based upon his overall experience in the health care field the accepted consequence of an employee's deserting her job would be termination. He asserts that that is the policy followed by Respondent. He further asserts that employees are primarily bound to use Respondent's grievance procedure rather than "deserting" their jobs. He considers Respondent's listed violation "leaving the job without permission" not to include the Charging Parties' actions, but to be an abandonment of the employee's job, an action that Respondent did not list specifically as a violation.

III. DISCUSSION

Upon a review of the briefs and the entire record, I am satisfied that the evidence presented by the General Counsel has established by a preponderance of the evidence that Respondent has engaged in unfair labor practices in violation of Section 8(a)(1) of the Act.

First, it is noted that employee complaints regarding conditions of employment are protected concerted activities and that Charging Party Mueller had the right to pursue any such complaint, if she so desired. Mueller's undisputed testimony shows that Beauchamp, Respondent's night supervisor, made a statement to the effect that other employees had been discharged for making complaints to management about his treatment of employees. This statement constituted an implied threat of discharge if Mueller or other employees should engage in similar protected activity in the future and, accordingly, I conclude that Respondent has violated Section 8(a)(1) as alleged.

The principal allegations made by the General Counsel relate to the events of May 20, 1981, when the Charging Parties left their shift after a confrontation between several employees and Supervisor Beauchamp regarding conditions of their employment. The complaints made by

these employees affect all of the employees working as nurses aides and I find that their joint effort to deal with Night Supervisor Beauchamp's behavior clearly constitutes a protected concerted activity. Accordingly, the issues raised are whether the Charging Parties left their place of employment on their own volition and whether they lost the protection of the Act by engaging in serious misconduct.

As noted above, I credit the General Counsel's witnesses as to their recollection of the events of May 20 through 22, 1981. Night Supervisor Beauchamp admittedly told aide Stevens to leave. This occurred against a background of several weeks of tension between supervisor and employees and under conditions where Beauchamp was acting in an agitated manner. Beauchamp then said: "Hey, if anybody doesn't like the working conditions, you can all get out." As characterized by the statement of Administrator Bierschenk, there is a difference in the way Beauchamp told the Charging Parties to leave, however, I find that, under the circumstances, the Charging Parties understood that they were ordered by their supervisor to get out and that they had no reasonable alternative but to leave their shift.

It is recognized that health care facilities have a legitimate business reason to be concerned with the necessary staffing and care of their patients and that employees who otherwise engage in protected conduct would lose such protection if they abandon or desert their jobs. Here, however, the Charging Parties were ordered to leave by a supervisor and they cannot be held chargeable for desertion.

Respondent has chosen to characterize the Charging Parties' conduct as unwarranted "desertion" and to apply discharge as the penalty, even though its own personnel guide book otherwise has a provision "leaving without permission" with a written warning listed as the penalty for a first offense.

I find Respondent's charge of desertion to be a pretextual mischaracterization of the Charging Parties' activities which, in view of Supervisor Beauchamp's prior 8(a)(1) threat and Administrator Bierschenk's disinterest in any personal investigation into the incident, justifies the inference that Respondent's actions were motivated by animus directed at the Charging Parties' concerted conduct in pursuing their complaints against their supervisor. I conclude that at the time Respondent ordered the Charging Parties' discharge it knew of their complaints against their supervisor and knew that Supervisor Beauchamp had told them they could all "get out." I find that discharge under such circumstances acts to directly and unambiguously penalize or deter the exercise of protected conduct. Moreover, I believe that, even if circumstances had not fully justified the Charging Parties' leaving their shift, they would not have been discharged if their protected concerted conduct had not occurred. Accordingly, I conclude that the General Counsel has met his overall burden of proof, see *American Geri-Care, Inc.*, 258 NLRB 1116 (1981), and I find that Respondent's discharge of Deen, Mueller, and Johnson on May 22, 1981, violated Section 8(a)(1) of the Act as alleged.

CONCLUSIONS OF LAW

1. Respondent is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

2. By informing employees that other employees had been discharged for making complaints about a supervisor to Respondent's administrator, Respondent interfered with, restrained, and coerced employees in the exercise of their Section 7 rights and engaged in an unfair labor practice in violation of Section 8(a)(1) of the Act.

3. By discharging Mary Deen, Theresa Mueller, and Shirley Johnson on May 22, 1981, Respondent engaged in an unfair labor practice in violation of Section 8(a)(1).

THE REMEDY

Having found that Respondent has engaged in certain unfair labor practices, it is recommended that Respondent be ordered to cease and desist therefrom and to take the affirmative action described below which is designed to effectuate the policies of the Act.

With respect to the necessary affirmative action, it is recommended that Respondent be ordered to offer Mary Deen, Theresa Mueller, and Shirley Johnson immediate and full reinstatement to their former positions or, if such positions no longer exist, to substantially equivalent positions without prejudice to their seniority or any other rights or privileges they previously enjoyed. It is also recommended that Respondent be ordered to make Mary Deen, Theresa Mueller, and Shirley Johnson whole for the losses which they suffered as a result of their termination in accordance with the method set forth in *F. W. Woolworth Company*, 90 NLRB 289 (1950), with interest as prescribed by the Board in *Florida Steel Corporation*, 231 NLRB 651 (1977).

Based upon the record, the above-noted findings of fact, discussion, and conclusions of law, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:

ORDER²

The Respondent, Calvin D. Johnson Nursing Home, Belleville, Illinois, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Making implied threats that employees may be discharged for complaining about conditions of employment.

(b) Discharging any employees or otherwise discriminating against them in retaliation for engaging in protected concerted activities.

(c) In any like or related manner interfering with, restraining, or coercing its employees in the exercise of rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

² In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto be deemed waived for all purposes.

(a) Offer Mary Deen, Theresa Mueller, and Shirley Johnson immediate and full reinstatement and make them whole for the losses they incurred as a result of the discrimination against them in the manner specified in the section above entitled "The Remedy."

(b) Preserve and, upon request, make available to the Board or its agents, for examination and copying, all payroll records, social security payment records, time-cards, personnel records and reports, and all other records necessary to analyze the amount of backpay due under the terms of this Order.

(c) Post at its Belleville, Illinois, facility copies of the attached notice marked "Appendix."³ Copies of said

³ In the event that this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by

notice, on forms provided by the Regional Director for Region 14, after being duly signed by an authorized representative of Respondent, shall be posted by Respondent immediately upon receipt thereof and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced, or covered by any other material.

(d) Notify the Regional Director for Region 14, in writing, within 20 days from the date of this Order, what steps Respondent has taken to comply herewith.

Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."